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OCA FILE

27 January 1988
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MEMORANDUM FOR: Director of Congressional Affairs

FROM:

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SUBJECT: Legislative Items in the Second Session of the
One Hundredth Congress

1. The following is a listing and brief discussion of the legislative items we expect to be following in the Second Session of the 100th Congress.

2. New Oversight Legislation. The House and Senate have basically identical bills pending on new rules for notifying Congress on intelligence activities. On the Senate side, the Cohen/Boren bill (S. 1721) has been favorably voted out of SSCI by a 12-2 margin. There should be a vote on the Senate floor some time in February. On the House side, a bill sponsored by Chairman Stokes and others (H. 3822) has been introduced, and HPSCI has scheduled open hearings for early February. Judge Webster is slated to testify on 4 February. We are currently drafting his opening statement and back-up Q's and A's.

3. Statutory Inspector General. Senator Specter has introduced a bill which, among other things, seeks to establish a statutory Inspector General within the Agency. The Agency fended off an attempt earlier this year to accomplish the same goal. Senator Specter's bill has gained more momentum in the wake of Iran/contra and the Director has taken a hand in diminishing the need for the bill by restructuring the IG's office. The SSCI intends to take up the bill in late January. There is no comparable bill on the House side.

4. FY '89 Intelligence Authorization Bill. Our draft bill is currently with the Office of Management and Budget (OMB) awaiting Administration clearance. That clearance is expected sometime in early February and we will send the bill to Congress under the Director's signature shortly thereafter. We will work to ensure the bill's passage as forwarded and to ensure that no proposals adverse to the Agency are added to the bill as it moves through the legislative process.

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5. Polygraph Bills - H.R. 1212/S. 1906. The Senate Labor and Human Resources Committee is expected to take up in early February S. 1906, its version of polygraph legislation. Both S. 1906 and the House-passed version, H.R. 1212, would virtually ban the private use of polygraphs. Both bills, however, contain an exception for the Government generally (including the Agency) and for Agency contractors and their employees. These are expected to be retained but we will monitor the process, attempting to ensure this result.

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11. Omnibus Trade Bill. The Agency has some minor concerns with protecting its information with respect to H.R. 3, which is currently in conference. Conference is expected to be completed by late February with floor votes by mid-March.

12. Hatch Act Revisions. The Senate Governmental Affairs Committee is expected to mark up H.R. 3400 in February. The Agency has problems with respect to loosening restrictions on its employees' political activities. HPSCI has been apprised to the consternation of OPM, which does not want to work any deals. The bill may be vetoed if passed (the House has already passed it), but there may be enough votes to override a veto.

13. Leave Bank. H.R. 2487/S. 1595 establish a mechanism for Government employees to donate annual leave to other employees. Because of cover/security reasons the Agency will seek amendments to these bills. Both are likely to receive attention in the near future.

14. Minimum Health Insurance Benefits. S. 1265 and H.R. 2508 require employers to maintain certain minimum health insurance benefits for their employees. The Senate is to mark up its bill early, but the House has no action scheduled. OCA is awaiting an OGC determination as to whether action is needed.

15. Parental and Medical Leave. H.R. 925 and S. 249 permit employees to take unpaid leave for an ailing family member or a newborn or newly adopted child. House floor and Senate committee action are expected this winter. OCA and OGC have coordinated language to remedy some problems for the Agency.

16. Public Building Amendments. H.R. 2790, passed by the House, establishes certain requirements for altering and constructing Government buildings. Certain requirements would interfere with the Agency's authorities. OCA is sending a letter to OMB explaining why the Agency should be exempted from the bill.

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17. South Africa Sanctions. Several bills are pending to implement stricter sanctions against South Africa. Congressman Dellums' bill, H.R. 1580, is receiving much attention lately and may very well move next year. [REDACTED]

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18. Taxation. The 1986 Internal Revenue reforms included a provision requiring the reporting of contracts by all Government agencies. The Agency successfully negotiated a "fix" with respect to classified contracts and others of that type with the Department of the Treasury and the Joint Committee on Taxation. The amendment was to be included in the technical amendment package to the Budget Reconciliation Bill. At the insistence of the Administration, this package was dropped from the bill. We expect the package to be picked up early this year.

19. GAO Audit. Senator Glenn and Congressman Panetta have introduced identical bills to enable the Comptroller General to audit any program or activity of the Agency. We have met with Senator Glenn and his staff to explain the Agency's position. We are awaiting a response from OGC with respect to a letter to OMB describing the same. Action on the statutory IG matter is likely to affect the course these bills take.

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